[Authentic.]

J. W. Laurence

TREATY

OF

Amity, Commerce & Navigation,

BETWEEN

HIS BRITANNIC MAJESTY,

AND THE

UNITED STATES OF AMERICA,

BY THEIR PRESIDENT, WITH THE ADVICE AND CONSENT OF THEIR SENATE.

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Philadelphia, June 29th, 1795.

SIR,

I have seen in your paper of this date an abſtract of the late Treaty between the United States and Great-Britain, which tho' not perfectly correct is nearly ſo.

As this publication will probably excite a newſpaper diſcuſſion, it is of importance that the People ſhould poſſeſs a full and accurate knowledge of the ſubject to which their attention may be drawn, and which I think has already been improperly with-held from them. Leſt therefore the Treaty ſhould be preſumed more favourable, or repreſented to be leſs ſo than it really is, I ſend you herewith a genuine copy, which you may correct your ſtatement to or make ſuch other uſe of as you pleaſe, for the purpoſe of giving to the citizens of America full information reſpecting this momentous buſineſs.

I am, Sir, your obedient ſervant,

Ste.s Tho.n Maſon.

[*One of the Senators from Virginia.*]

To Benj. Franklin Bache, Editor of the Aurora.

TREATY, &c.

HIS Britannic Majeſty and the United States of America, being deſirous by a Treaty of Amity, Commerce and Navigation to terminate their differences in ſuch a manner, as without reference to the merits of their reſpective complaints and pretenſions, may be the beſt calculated to produce mutual ſatisfaction and good underſtanding: And alſo to regulate the Commerce and Navigation between their reſpective countries, territories and people, in ſuch a manner as to render the ſame reciprocally beneficial and ſatisfactory; they have, reſpectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude, the ſaid Treaty, that is to ſay; His Britannic Majeſty has named for his Plenipotentiary, the Right Honourable William Wyndham Baron Grenville, of Wotton, one of his Majeſty's Privy Council, and his Majeſty's principal Secretary of State for Foreign Affairs; and the Preſident of the ſaid United States

States, by and with the advice and conſent of the Senate thereof, hath appointed for their Plenipotentiary, the Honourable John Jay, Chief Juſtice of the ſaid United States and their Envoy Extraordinary to his Majeſty, who have agreed on, and concluded the following articles:

ARTICLE I. There ſhall be a firm, inviolable and univerſal peace, and a true and ſincere friendſhip between his Britannic Majeſty, his heirs and ſucceſſors, and the United States of America; and between their reſpective countries, territories, cities, towns and people of every degree, without exception of perſons or places.

ART. II. His Majeſty will withdraw all his troops and garriſons from all poſts and places within the boundary lines aſſigned by the treaty of peace to the United States. This evacuation ſhall take place on or before the firſt day of June one thouſand ſeven hundred and ninety-ſix, and all the proper meaſures ſhall in the interval be taken by concert between the government of the United States, and his Majeſty's Governor General in America, for ſettling the previous arrangements which may be neceſſary reſpecting the delivery of the ſaid poſts: The United States in the mean time at their diſcretion, extending their ſettlements to any part within the ſaid boundary line, except within the precincts or juriſdiction of any of the ſaid poſts. All ſettlers and traders, within the precincts or juriſdiction of the ſaid poſts, ſhall continue to enjoy, unmoleſted, all their property of every kind, and ſhall be protected therein. They ſhall be at full liberty to remain there, or to remove with all

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or any part of their effects; and it ſhall alſo be free to them to ſell their lands, houſes, or effects, or to retain the property thereof, at their diſcretion; ſuch of them as ſhall continue to reſide within the ſaid boundary lines ſhall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof, but they ſhall be at full liberty ſo to do, if they think proper, and they ſhall make and declare their election within one year after the evacuation aforeſaid. And all perſons who ſhall continue there after the expiration of the ſaid year, without having declared their intention of remaining ſubjects of his Britannick Majeſty, ſhall be conſidered as having elected to become citizens of the United States.

ART. III. It is agreed that it ſhall at all times be free to his Majeſty's ſubjects, and to the citizens of the United States, and alſo to the Indians dwelling on either ſide of the ſaid boundary line, freely to paſs and repaſs by land or inland navigation, into the reſpective territories and countries of the two parties on the continent of America [the country within the limits of the Hudſon's Bay Company only excepted] and to navigate all the Lakes, Rivers, and Waters thereof, and freely to carry on trade and commerce with each other. But it is underſtood, that this Article does not extend to the admiſſion of veſſels of the United States into the Sea Ports, Harbours, Bays, or Creeks of his Majeſty's ſaid Territories; nor into ſuch parts of the Rivers in his Majeſty's ſaid territories as are between the mouth thereof, and the higheſt port of entry from the Sea, except in ſmall veſſels trading

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bona fide between Montreal and Quebec, under ſuch regulations as ſhall be eſtabliſhed to prevent the poſſibility of any frauds in this reſpect. Nor to the admiſſion of Britiſh veſſels from the Sea into the Rivers of the United States, beyond the higheſt Ports of entry for foreign veſſels from the Sea. The River Miſſiſippi ſhall, however, according to the Treaty of Peace, be entirely open to both parties; and it is further agreed, that all the Ports and Places on its Eaſtern ſide, to whichſoever of the parties belonging, may freely be reſorted to, and uſed by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his Majeſty in Great-Britain.

All goods and merchandize whoſe importation into his Majeſty's ſaid territories in America, ſhall not be entirely prohibited, may freely, for the purpoſes of Commerce, be carried into the ſame in the manner aforeſaid, by the citizens of the United States, and ſuch goods and merchandize ſhall be ſubject to no higher or other duties than would be payable by his Majeſty's ſubjects on the importation of the ſame from Europe into the ſaid territories. And in like manner, all goods and merchandize whoſe importation into the United States ſhall not be wholly prohibited, may freely, for the purpoſes of Commerce, be carried into the ſame, in the manner aforeſaid, by his Majeſty's ſubjects, and ſuch goods and merchandize ſhall be ſubject to no higher or other duties than would be payable by the citizens of the United States on the importation of the ſame in American veſſels into the Atlantic ports

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of the ſaid States. And all goods not prohibited to be exported from the ſaid territories, reſpectively, may in like manner be carried out of the ſame by the two parties reſpectively, paying duty as aforeſaid.

No duty of entry ſhall ever be levied by either party on peltries brought by land, or inland navigation into the ſaid territories reſpectively, nor ſhall the Indians paſſing or repaſſing with their own proper goods and effects of whatever nature, pay for the ſame any impoſt or duty whatever. But goods in bales, or other large packages unuſual among Indians ſhall not be conſidered as goods belonging *bona fide* to Indians.

No higher or other tolls or rates of ferriage than what are or ſhall be payable by natives, ſhall be demanded on either ſide; and no duties ſhall be payable on any goods which ſhall merely be carried over any of the portages or carrying places on either ſide; for the purpoſe of being immediately reimbarked and carried to ſome other place or places. But as by this ſtipulation it is only meant to ſecure to each party a free paſſage acroſs the portages on both ſides, it is agreed, that this exemption from duty ſhall extend only to ſuch goods as are carried in the uſual and direct road acroſs the portage, and are not attempted to be in any manner ſold or exchanged during their paſſage acroſs the ſame, and proper regulations may be eſtabliſhed to prevent the poſſibility of any frauds in this reſpect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a diſpoſition favourable

vourable to friendſhip and good neighbourhood, it is agreed, that the reſpective Governments will mutually promote this amicable intercourſe, by cauſing ſpeedy and impartial juſtice to be done, and neceſſary protection to be extended to all who may be concerned therein.

ART. IV. Whereas it is uncertain whether the River Miſſiſiippi extends ſo far to the Northward as to be interſected by a line to be drawn due Weſt from the Lake of the Woods in the manner mentioned in the Treaty of Peace between his Majeſty and the United States, it is agreed, that meaſures ſhall be taken in concert between his Majeſty's government in America and the government of the United States for making a joint ſurvey of the ſaid river from one degree of latitude below the Falls of St. Anthony, to the principal ſource or ſources of the ſaid river, and alſo of the parts adjacent thereto; and that if on the reſult of ſuch ſurvey, it ſhould appear that the ſaid river would not be interſected by ſuch a line as is above-mentioned, the two parties will thereupon proceed by amicable negotiation to regulate the boundary line in that quarter, as well as all other points to be adjuſted between the ſaid parties, according to juſtice and mutual convenience, and in conformity to the intent of the ſaid Treaty.

ART. V. Whereas doubts have ariſen what river was truly intended under the name of the river St. Croix, mentioned in the ſaid Treaty of Peace, and forming a part of the boundary therein deſcribed, that queſtion ſhall be referred to the final deciſion of Commiſſioners to be appointed in the following manner, viz. One

One Commiſſioner ſhall be named by his Majeſty, and one by the Preſident of the United States, by and with the advice and conſent of the Senate thereof, and the ſaid two Commiſſioners ſhall agree on the choice of a third; or if they cannot ſo agree, they ſhall each propoſe one perſon, and of the two names ſo propoſed, one ſhall be drawn by lot in the preſence of the two original Commiſſioners. And the three Commiſſioners ſo appointed, ſhall be ſworn impartially to examine and decide the ſaid queſtion according to ſuch evidence as ſhall reſpectively be laid before them on the part of the Britiſh Government and of the United States. The ſaid Commiſſioners ſhall meet at Halifax, and ſhall have power to adjourn to ſuch other place or places as they ſhall think fit. They ſhall have power to appoint a Secretary, and to employ ſuch ſurveyors or other perſons as they ſhall judge neceſſary. The ſaid Commiſſioners ſhall by a declaration under their hands and ſeals decide what river is the river St. Croix intended by the Treaty. The ſaid declaration ſhall contain a deſcription of the ſaid river, and ſhall particularize the latitude and longitude of its mouth and of its ſource. Duplicates of this declaration and of the ſtatements of their accounts, and of the journal of their proceedings ſhall be delivered by them to the Agent of his Majeſty and to the Agent of the United States, who may be reſpectively appointed and authorized to manage the buſineſs on behalf of the reſpective Governments. And both parties agree to conſider ſuch deciſion as final and concluſive, ſo as that the ſame ſhall never thereafter be called into queſtion, or made the ſubject of diſpute or difference between them.

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ART. VI. Whereas it is alledged by divers Britiſh merchants and others, his Majeſty's ſubjects, that debts to a conſiderable amount, which were *bona fide* contracted before the peace, ſtill remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments ſince the peace, not only the full recovery of the ſaid debts has been delayed, but alſo the value and ſecurity thereof, have been, in ſeveral inſtances, impaired and leſſened, ſo that by the ordinary courſe of judicial proceedings, the Britiſh creditors cannot now obtain, and actually have and receive full and adequate compenſation for the loſſes and damages which they have thereby ſuſtained: It is agreed, that in all ſuch caſes where full compenſation for ſuch loſſes and damages cannot for whatever reaſon be actually obtained, had and received by the ſaid creditors in the ordinary courſe of juſtice, the United States will make full and complete compenſation for the ſame to the ſaid creditors: But it is diſtinctly underſtood, that this proviſion is to extend to ſuch loſſes only as have been occaſioned by the lawful impediments aforeſaid, and is not to extend to loſſes occaſioned by ſuch inſolvency of the debtors, or other cauſes as would equally have operated to produce ſuch loſs, if the ſaid impediments had not exiſted, nor to ſuch loſſes or damages as have been occaſioned by the manifeſt delay or negligence, or wilful omiſſion of the claimant.

For the purpoſe of aſcertaining the amount of any ſuch loſſes and damages, five Commiſſioners ſhall be appointed, and authorized to meet and act

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in manner following, viz. Two of them ſhall be appointed by his Majeſty, two of them by the Preſident of the United States by and with the advice and conſent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they ſhould not agree in ſuch choice, then the Commiſſioners named by the two parties ſhall reſpectively propoſe one perſon, and of the two names ſo propoſed, one ſhall be drawn by lot in the preſence of the four original Commiſſioners. When the five Commiſſioners thus appointed ſhall firſt meet, they ſhall, before they proceed to act reſpectively, take the following oath or affirmation, in the preſence of each other, which oath or affirmation being ſo taken and duly atteſted, ſhall be entered on the record of their proceedings, viz.—I, A. B. one of the Commiſſioners appointed in purſuance of the 6th Article of the Treaty of Amity, Commerce, and Navigation between his Britannic Majeſty and the United States of America do ſolemnly ſwear, or affirm, that I will honeſtly, diligently, impartially, and carefully examine, and to the beſt of my judgment, according to juſtice and equity, decide all ſuch complaints, as under the ſaid article ſhall be preferred to the ſaid Commiſſioners; and that I will forbear to act as a Commiſſioner in any caſe in which I may be perſonally intereſted.

Three of the ſaid Commiſſioners ſhall conſtitute a board, and ſhall have power to do any act appertaining to the ſaid Commiſſion, provided that one of the Commiſſioners named on each ſide, and the fifth Commiſſioner ſhall be preſent, and all decisions ſhall be made by the majority of the voices of

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the Commiſſioners then preſent; 18 months from the day on which the ſaid Commiſſioners ſhall form a board, and be ready to proceed to buſineſs, are aſſigned for receiving complaints, and applications; but they are nevertheleſs authorized in any particular caſes in which it ſhall appear to them to be reaſonable and juſt, to extend the ſaid term of eighteen months for any term not exceeding ſix months, after the expiration thereof. The ſaid Commiſſioners ſhall firſt meet at Philadelphia, but they ſhall have power to adjourn from place to place as they ſhall ſee cauſe.

The ſaid Commiſſioners in examining the complaints and applications ſo preferred to them, are empowered and required, in purſuance of the true intent and meaning of this article, to take into their conſideration all claims, whether of principal or intereſt, or balances of principal and intereſt, and to determine the ſame reſpectively, according to the merits of the ſeveral caſes, due regard being had to all the circumſtances thereof, and as equity and juſtice ſhall appear to them to require. And the ſaid Commiſſioners ſhall have power to examine all ſuch perſons as ſhall come before them on oath or affirmation touching the premiſes; and alſo to receive in evidence according as they may think moſt conſiſtent with equity and juſtice, all written depoſitions, or books, or papers, or copies, or extracts thereof, every ſuch depoſition, book, or paper, or copy, or extract being duly authenticated, either according to the legal forms now reſpectively exiſting in the two countries, or in ſuch other manner as the ſaid Commiſſioners ſhall ſee cauſe to require or allow.

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The award of the ſaid Commiſſioners or of any three of them as aforeſaid, ſhall in all caſes be final and concluſive, both as to the juſtice of the claim, and to the amount of the ſum to be paid to the creditor or claimant: And the United States undertake to cauſe the ſum ſo awarded to be paid in ſpecie to ſuch creditor or claimant without deduction; and at ſuch time or times, and at ſuch place or places as ſhall be awarded by the ſaid Commiſſioners; and on condition of ſuch releaſes or aſſignments to be given by the creditor or claimant, as by the ſaid Commiſſioners may be directed: Provided always, that no ſuch payment ſhall be fixed by the ſaid Commiſſioners to take place ſooner than twelve months from the day of the exchange of the ratifications of this Treaty.

ART. VII. Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the courſe of the war in which his Majeſty is now engaged, they have ſuſtained conſiderable loſſes and damage, by reaſon of irregular or illegal captures or condemnations of their veſſels and other property under colour of authority or commiſſions from his Majeſty, and that from various circumſtances belonging to the ſaid caſes, adequate compenſation for the loſſes and damages ſo ſuſtained cannot now be actually obtained, had and received by the ordinary courſe of judicial proceedings; it is agreed, that in all ſuch caſes where adequate compenſation cannot, for whatever reaſon, be now actually obtained, had and received by the ſaid merchants and others in the ordinary courſe of juſtice, full and complete

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compenſation for the ſame will be made by the Britiſh Government to the ſaid complainants. But it is diſtinctly underſtood that this proviſion is not to extend to ſuch loſſes or damages as have been occaſioned by the manifeſt delay or negligence, or wilful omiſſion of the claimants.

That for the purpoſe of aſcertaining the amount of any ſuch loſſes and damages, five Commiſſioners ſhall be appointed and authorized to act in London, exactly in the manner directed with reſpect to thoſe mentioned in the preceding article, and after having taken the ſame oath or affirmation *(mutatis mutandis)* the ſame term of eighteen months is alſo aſſigned for the reception of claims, and they are in like manner authorized to extend the ſame in particular caſes. They ſhall receive teſtimony, books, papers and evidence in the ſame latitude, and exerciſe the like diſcretion and powers reſpecting that ſubject; and ſhall decide the claims in queſtion according to the merits of the ſeveral caſes, and to juſtice, equity, and the laws of nations. The award of the ſaid Commiſſioners, or any ſuch three of them as aforeſaid, ſhall, in all caſes be final and concluſive, both as to the juſtice of the claim, and the amount of the ſum to be paid to the claimant; and his Britannic Majeſty undertakes to cauſe the ſame to be paid to ſuch claimant in ſpecie, without any deduction, at ſuch place or places, and at ſuch time or times as ſhall be awarded by the ſaid Commiſſioners, and on condition of ſuch releaſes or aſſignments to be given by the claimants, as by the ſaid Commiſſioners may be directed.

And whereas certain merchants and others his

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Majeſty's ſubjects complain that in the courſe of the war they have ſuſtained loſs and damage by reaſon of the capture of the veſſels and merchandize taken within the limits and juriſdiction of the ſtates and brought into the ports of the ſame, or taken by veſſels originally armed in ports of the ſaid ſtates.

It is agreed that in all ſuch caſes where reſtitution ſhall not have been made agreeably to the tenor of the letter from Mr. Jefferſon to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this Treaty; the complaints of the parties ſhall be and hereby are referred to the Commiſſioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to theſe as to the other caſes committed to them; and the United States undertake to pay to the complainants or claimants in ſpecie, without deduction, the amount of ſuch ſums as ſhall be awarded to them reſpectively by the ſaid Commiſſioners, and at the times and places which in ſuch awards ſhall be ſpecified; and on conditions of ſuch releaſes or aſſignments to be given by the claimants as in the ſaid awards may be directed: And it is further agreed that not only the now exiſting caſes of both deſcriptions but alſo all ſuch as ſhall exiſt at the time of exchanging the ratifications of this Treaty ſhall be conſidered as being within the proviſions, intent and meaning of this article.

ART. VIII. It is further agreed, that the Commiſſioners mentioned in this and in the two preceding articles ſhall be reſpectively paid in ſuch manner as ſhall be agreed between the two parties;

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ſuch agreement being to be ſettled at the time of the exchange of the ratifications of this Treaty. And all other expences attending the ſaid Commiſſions ſhall be defrayed jointly by the two parties, the ſame being previouſly aſcertained and allowed by the majority of the Commiſſioners. And in the caſe of death, ſickneſs or neceſſary abſence, the place of every ſuch Commiſſioner reſpectively ſhall be ſupplied in the ſame manner as ſuch Commiſſioner was firſt appointed, and the new Commiſſioners ſhall take the ſame oath or affirmation and do the ſame duties.

ART. IX. It is agreed that Britiſh ſubjects who now hold lands in the territories of the United States and American citizens who now hold lands in the dominions of his Majeſty ſhall continue to hold them according to the nature and tenure of their reſpective eſtates and titles therein; and may grant, ſell or deviſe the ſame to whom they pleaſe, in like manner as if they were natives; and that neither they nor their heirs or aſſigns ſhall ſo far as may reſpect the ſaid lands and the legal remedies incident thereto, be regarded as aliens.

ART. X. Neither the debts due from individuals of the one nation to individuals of the other, nor ſhares nor monies which they may have in the public funds, or in the public or private banks ſhall ever in any event of war or national differences be ſequeſtered or confiſcated, it being unjuſt and impolitic that debts and engagements contracted and made by individuals having confidence in each other and in their reſpective governments ſhould ever be deſtroyed or impaired by national authority on account

count of national differences and diſcontents.

ART. XI. It is agreed between his Majeſty and the United States of America, that there ſhall be a reciprocal and entirely perfect liberty of navigation and commerce between their reſpective people, in the manner, under the limitations and on the conditions ſpecified in the following articles.

ART. XII. His Majeſty conſents that it ſhall and may be lawful during the time herein after limited for the citizens of the United States to carry to any of his Majeſty's iſlands and ports in the Weſt-Indies from the United States, in their own veſſels, not being above the burthen of 70 tons, any goods or merchandizes being of the growth, manufacture or produce of the ſaid States, which it is or may be lawful to carry to the ſaid Iſlands or Ports from the ſaid States in Britiſh veſſels; and that the ſaid American veſſels ſhall be ſubject there to no other or higher tonnage duties or charges than ſhall be payable by Britiſh veſſels in the ports of the United States; and that the cargoes of the ſaid American veſſels ſhall be ſubject there to no other or higher duties or charges than ſhall be payable on the like articles if imported there from the ſaid States in Britiſh veſſels.

And his Majeſty alſo conſents that it ſhall be lawful for the ſaid American citizens to purchaſe, load and carry away in their ſaid veſſels to the United States from the ſaid Iſlands and Ports all ſuch articles being of the growth, manufacture or produce of the ſaid Iſlands as may now by law be carried from thence to the ſaid States in Britiſh veſſels and ſubject only to the ſame duties and charges on

exportation

exportation to which Britiſh veſſels and their cargoes are or ſhall be ſubject in ſimilar circumſtances.

Provided always that the ſaid American veſſels do carry and land their cargoes in the United States only, it being expreſsly agreed and declared that during the continuance of this article, the United States will prohibit and reſtrain the carrying any molaſſes, ſugar, coffee, cocoa or cotton in American veſſels, either from his Majeſty's Iſlands or from the United States to any part of the world except the United States, reaſonable ſea ſtores excepted. Provided alſo, that it ſhall and may be lawful, during the ſame period, for Britiſh veſſels to import from the ſaid Iſlands into the United States and to export from the United States to the ſaid Iſlands, all articles whatever being of the growth, produce or manufacture of the ſaid Iſlands, or of the United States reſpectively, which now may, by the laws of the ſaid States, be ſo imported and exported. And that the cargoes of the ſaid Britiſh veſſels ſhall be ſubject to no other or higher duties or charges than ſhall be payable on the ſame articles if ſo imported or exported in American veſſels.

It is agreed that this article and every matter and thing therein contained ſhall continue to be in force during the continuance of the war in which his Majeſty is now engaged; and alſo for two years from and after the day of the ſignature of the preliminary or other articles of peace by which the ſame may be terminated.

And it is further agreed, that at the expiration of the ſaid term, the two contracting parties will endeavour further to regulate their commerce in this

this reſpect according to the ſituation in which his Majeſty may then find himſelf with reſpect to the Weſt-Indies, and with a view to ſuch arrangements as may beſt conduce to the mutual advantage and extenſion of commerce. And the ſaid parties will then alſo renew their diſcuſſions, and endeavour to agree, whether in any and what caſes, neutral veſſels ſhall protect enemy's property; and in what caſes proviſions and other articles, not generally contraband, may become ſuch. But in the mean time their conduct towards each other in theſe reſpects, ſhall be regulated by the articles herein after inſerted on thoſe ſubjects.

ART. XIII. His Majeſty conſents that the veſſels belonging to the citizens of the United States of America ſhall be admitted and hoſpitably received in all the ſea-ports and harbours of the Britiſh territories in the Eaſt-Indies. And that the citizens of the ſaid United States may freely carry on a Trade between the ſaid Territories and the ſaid United States, in all articles of which the Importation or Exportation reſpectively to or from the ſaid Territories, ſhall not be entirely prohibited. Provided only, that it ſhall not be lawful for them in any time of War between the Britiſh government and any other Power or State whatever, to Export from the ſaid Territories, without the ſpecial permiſſion of the Britiſh government there, any Military Stores, or Naval Stores or Rice. The citizens of the United States ſhall pay for their veſſels when admitted into the ſaid ports no other or higher tonnage duty than ſhall be payable on Britiſh veſſels when admitted into the ports of the United States.

States. And they ſhall pay no other or higher duties or charges on the Importation or Exportation of the cargoes of the ſaid veſſels, than ſhall be payable on the ſame articles when Imported or Exported in Britiſh veſſels. But it is expreſsly agreed, that the veſſels of the United States ſhall not carry any of the articles Exported by them from the ſaid Britiſh territories to any port or place, except to ſome port or place in America, where the ſame ſhall be unladen, and ſuch regulations ſhall be adopted by both parties, as ſhall from time to time be found neceſſary to enforce the due and faithful obſervance of this ſtipulation. It is alſo underſtood that the permiſſion granted by this article is not to extend to allow the veſſels of the United States to carry on any part of the coaſting trade of the ſaid Britiſh territories; but veſſels going with their original cargoes, or part thereof, from one port of diſcharge to another, are not to be conſidered as carrying on the coaſting trade. Neither is this article to be conſtrued to allow the citizens of the ſaid States to ſettle or reſide within the ſaid Territories, or to go into the Interior parts thereof, without the permiſſion of the Britiſh government eſtabliſhed there; and if any tranſgreſſion ſhould be attempted againſt the regulations of the Britiſh government in this reſpect, the obſervanee of the ſame ſhall and may be enforced againſt the citizens of America in the ſame manner as againſt Britiſh ſubjects or others tranſgreſſing the ſame rule. And the citizens of the United States whenever they arrive in any port or harbour in the ſaid Territories, or if they ſhould be permitted in manner aforeſaid, to go to any other

ther place therein, ſhall always be ſubject to the Laws, Government and Juriſdiction of what nature eſtabliſhed in ſuch Harbour, Port or place, according as the ſame may be: The citizens of the United States, may alſo touch for refreſhment at the iſland of St. Helena, but ſubject in all reſpects to ſuch regulations as the Britiſh government may from time to time eſtabliſh there.

ART. XIV. There ſhall be between all the dominions of his Majeſty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries reſpectively ſhall have liberty freely and ſecurely and without hindrance and moleſtation to come with their ſhips and cargoes to the lands, countries, cities, ports, places and rivers within the dominions and territories aforeſaid, to enter into the ſame, to reſort there and to remain and reſide there, without any limitation of time: Alſo to hire and poſſeſs houſes and warehouſes for the purpoſes of their commerce, and generally the merchants and traders on each ſide ſhall enjoy the moſt complete protection and ſecurity for their commerce; but ſubject always as to what reſpects this article to the laws and ſtatutes of the two countries reſpectively.

ART. XV. It is agreed that no other or higher duties ſhall be paid by the ſhips or merchandize of the one party in the ports of the other, than ſuch as are paid by the like veſſels or merchandize of all other nations. Nor ſhall any other or higher duty be impoſed in one country on the importation of any articles the growth, produce or manufacture of the

the other than are or ſhall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country. Nor ſhall any prohibition be impoſed on the exportation or importation of any articles to or from the territories of the two parties reſpectively, which ſhall not equally extend to all other nations.

But the Britiſh Government reſerves to itſelf the right of impoſing on American veſſels entering into the Britiſh ports in Europe a tonnage duty equal to that which ſhall be payable by Britiſh veſſels in the ports of America: And alſo ſuch duty as may be adequate to countervail the difference of duty now payable on the importation of European and Aſiatic goods when imported into the United States in Britiſh or in American veſſels.

The two parties agree to treat for the more exact equalization of the duties on the reſpective navigation of their ſubjects and people in ſuch manner as may be moſt beneficial to the two countries. The arrangements for this purpoſe ſhall be made at the ſame time with thoſe mentioned at the concluſion of the 12th article of this Treaty, and are to be conſidered as a part thereof. In the interval it is agreed, that the United States will not impoſe any new or additional tonnage duties on Britiſh veſſels, nor increaſe the now ſubſiſting difference between the duties payable on the importation of any articles in Britiſh or in American veſſels.

ART. XVI. It ſhall be free for the two contracting parties, reſpectively to appoint conſuls for the protection of trade, to reſide in the dominions and territories aforeſaid, and the ſaid conſuls ſhall enjoy

thoſe liberties and rights which belong to them by reaſon of their function. But before any conſul ſhall act as ſuch he ſhall be in the uſual forms approved and admitted by the party to whom he is ſent; and it is hereby declared to be lawful and proper, that in caſe of illegal or improper conduct towards the laws or government a conſul may either be puniſhed according to law, if the laws will reach the caſe or be diſmiſſed, or even ſent back, the offended government aſſigning to the other their reaſons for the ſame.

Either of the parties may except from the reſidence of conſuls ſuch particular places as ſuch party ſhall judge proper to be ſo excepted.

ART. XVII. It is agreed, that in all caſes where veſſels ſhall be captured or detained on juſt ſuſpicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war; the ſaid veſſel ſhall be brought to the neareſt or moſt convenient port; and if any property of an enemy ſhould be found on board ſuch veſſel, that part only which belongs to the enemy ſhall be made prize, and the veſſel ſhall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper meaſures ſhall be taken to prevent delay, in deciding the caſes of ſhips or cargoes ſo brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the maſters or owners of ſuch ſhips.

ART. XVIII. In order to regulate what is in future to be deemed contraband of war, it is agreed, that under the ſaid denomination ſhall be compri-

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ſed all arms and implements ſerving for the purpoſes of war, by land or ſea, ſuch as cannon, muſkets, mortars, petards, bombs, grenadoes, carcaſſes, ſauciſſes, carriages for cannon, muſket reſts, bandoliers, gunpowder, match, ſalt-petre, ball, pikes, ſwords, head pieces, cuiraſſes, halberts, lances, javelins, horſe furniture, holſters, belts, and generally all other implements of war; as alſo timber for ſhip-building, tar or roſin, copper in ſheets, ſails, hemp and cordage, and generally whatever may ſerve directly to the equipment of veſſels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be juſt objects of confiſcation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the preciſe caſes in which alone proviſions and other articles not generally contraband may be regarded as ſuch, renders it expedient to provide againſt the inconveniences and miſunderſtandings which might thence ariſe: It is further agreed, that wherever any ſuch articles ſo becoming contraband according to the exiſting laws of Nations, ſhall for that reaſon be ſeized, the ſame ſhall not be confiſcated, but the owners thereof ſhall be ſpeedily and completely indemnified; and the captors, or in their default the government under whoſe authority they act, ſhall pay to the maſters or owners of ſuch veſſels the full value of all articles, with a reaſonable mercantile profit thereon, together with the freight, and alſo the demurrage incident to ſuch detention.

And whereas it frequently happens that veſſels ſail for a port or place belonging to an enemy, without

without knowing that the ſame is either beſieged, blockaded or inveſted; it is agreed, that every veſſel ſo circumſtanced may be turned away from ſuch port or place, but ſhe ſhall not be detained nor her cargo, if not contraband, be confiſcated, unleſs after notice ſhe ſhall again attempt to enter; but ſhe ſhall be permitted to go to any other port or place ſhe may think proper: Nor ſhall any veſſel or goods of either party, that may have entered into ſuch port or place, before the ſame was beſieged, blockaded or inveſted by the other, and be found therein after the reduction or ſurrender of ſuch place, be liable to confiſcation, but ſhall be reſtored to the owners or proprietors thereof.

ART. XIX. And that more abundant care be taken for the ſecurity of the reſpective ſubjects and citizens of the contracting parties, and to prevent their ſuffering injuries by the men of war, or privateers of either party, all commanders of ſhips of war and privateers and all others the ſaid ſubjects and citizens ſhall forbear doing any damage to thoſe of the other party, or committing any outrage againſt them, and if they act to the contrary, they ſhall be puniſhed, and ſhall alſo be bound in their perſons and eſtates to make ſatisfaction and reparation for all damages, and the intereſt thereof, of whatever nature the ſaid damages may be.

For this cauſe all commanders of privateers before they receive their commiſſions ſhall hereafter be obliged to give before a competent Judge, ſufficient ſecurity by at leaſt two reſponſible ſureties, who have no intereſt in the ſaid privateer, each of whom, together with the ſaid commander, ſhall be jointly

jointly and ſeverally bound in the ſum of fifteen hundred pounds ſterling, or if ſuch ſhips be provided with above one hundred and fifty ſeamen or ſoldiers, in the ſum of three thouſand pounds ſterling, to ſatisfy all damages and injuries, which the ſaid privateer or her officers or men, or any of them may do or commit during their cruiſe, contrary to the tenor of this treaty, or to the laws and inſtructions for regulating their conduct; and further that in all caſes of aggreſſions the ſaid commiſſions ſhall be revoked and annulled.

It is alſo agreed that whenever a judge of a court of admiralty of either of the parties, ſhall pronounce ſentence againſt any veſſel or goods or property belonging to the ſubjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cauſe, and of the ſaid ſentence, ſhall if required be delivered to the commander of the ſaid veſſel, without the ſmalleſt delay, he paying all legal fees and demands for the ſame.

ART. XX. It is further agreed that both the ſaid contracting parties, ſhall not only refuſe to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal or aſſiſt them in any manner, but will bring to condign puniſhment all ſuch inhabitants as ſhall be guilty of ſuch acts or offences.

And all their ſhips with the goods or merchandizes taken by them and brought into the port of either of the ſaid Parties, ſhall be ſeized as far as they can be diſcovered and ſhall be reſtored to the owners or their Factors or Agents duly deputed and

and authorized in writing by them (proper evidence being firſt given in the Court of Admiralty for proving the property) even in caſe ſuch effects ſhould have paſſed into other hands by ſale, if it be proved that the buyers knew or had good reaſon to believe, or ſuſpect that they had been piratically taken.

ART. XXI. It is likewiſe agreed, that the ſubjects and citizens of the two nations, ſhall not do any acts of hoſtility or violence againſt each other, nor accept commiſſions or inſtructions ſo to act from any foreign prince or ſtate, enemies to the other party; nor ſhall the enemies of one of the parties be permitted to invite, or endeavour to enliſt in their military ſervice any of the ſubjects or citizens of the other party; and the laws againſt all ſuch offences and aggreſſions ſhall be punctually executed. And if any ſubject or citizen of the ſaid parties reſpectively ſhall accept any foreign commiſſion, or letters of marque, for arming any veſſel to act as a privateer againſt the other party, and be taken by the other party, it is hereby declared to be lawful for the ſaid party to treat and puniſh the ſaid ſubject or citizen, having ſuch commiſſion or letters of marque, as a pirate.

ART. XXII. It is expreſsly ſtipulated that neither of the ſaid contracting parties will order or authorize any acts of repriſal againſt the other, on complaints of injuries or damages, until the ſaid party ſhall firſt have preſented to the other a ſtatement thereof, verified by competent proof and evidence, and demanding juſtice and ſatisfaction, and the ſame ſhall either have been refuſed or unreaſonably delayed.

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ART. XXIII. The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his Majesty consents that in case an American vessel, should by stress of weather, danger from enemies or other misfortunes be reduced to the necessity of seeking shelter in any of his Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and permitted to refit and to purchase at the market price such necessaries, as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case shall prescribe. She shall not be allowed to break bulk or unload her cargo unless the same shall be *bona fide* necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. XXIV. It shall not be lawful for any foreign

reign privateers (not being ſubjects or citizens of either of the ſaid parties) who have commiſſions from any other Prince or State in enmity with either nation, to arm their ſhips in the ports of either of the ſaid parties, nor to ſell what they have taken, nor in any other manner to exchange the ſame; nor ſhall they be allowed to purchaſe more proviſions than ſhall be neceſſary for their going to the neareſt port of that Prince or State from whom they obtained their commiſſions.

ART. XXV. It ſhall be lawful for the ſhips of war and privateers belonging to the ſaid parties reſpectively, to carry whitherſoever they pleaſe the ſhips and goods taken from their enemies, without being obliged to pay any fee to the Officers of the Admiralty, or to any Judges whatever; nor ſhall the ſaid prizes when they arrive at, and enter the ports of the ſaid parties be detained or ſeized, neither ſhall the ſearchers or other officers of thoſe places viſit ſuch prizes, (except for the purpoſe of preventing the carrying of any part of the cargo thereof on ſhore in any manner contrary to the eſtabliſhed laws of Revenue, Navigation, or Commerce) nor ſhall ſuch officers take cognizance of the validity of ſuch prizes; but they ſhall be at liberty to hoiſt ſail, and depart as ſpeedily as may be, and carry their ſaid prizes to the place mentioned in their commiſſions or patents, which the commanders of the ſaid ſhips of war or privateers ſhall be obliged to ſhew. No ſhelter or refuge ſhall be given in their ports to ſuch as have made a prize upon the ſubjects or citizens of either of the ſaid parties; but if forced by ſtreſs of weather, or the danger

danger of the ſea, to enter therein, particular care ſhall be taken to haſten their departure, and to cauſe them to retire as ſoon as poſſible. Nothing in this Treaty contained ſhall however be conſtrued or operate contrary to former and exiſting public Treaties with other Sovereigns or States. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that ſhall be inconſiſtent with this or the preceding article.

Neither of the ſaid parties ſhall permit the ſhips or goods belonging to the ſubjects or citizens of the other to be taken within cannon ſhot of the coaſt, nor in any of the bays, ports, or rivers of their territories, by ſhips of war, or others having commiſſion from any Prince, Republic, or State whatever. But in caſe it ſhould ſo happen, the party whoſe territorial rights ſhall thus have been violated, ſhall uſe his utmoſt endeavours to obtain from the offending party, full and ample ſatisfaction for the veſſel or veſſels ſo taken, whether the ſame be veſſels of war or merchant veſſels.

ART. XXVI. If at any time a rupture ſhould take place (which God forbid) between his Majeſty and the United States, the Merchants and others of each of the two nations reſiding in the dominions of the other ſhall have the privilege of remaining and continuing their Trade, ſo long as they behave peaceably and commit no offence againſt the laws; and in caſe their conduct ſhould render them ſuſpected and the reſpective governments ſhould think proper to order them to remove, the term of twelve months from the publication of the order ſhall be allowed

allowed them for that purpoſe, to remove with their families, effects and property, but this favor ſhall not be extended to thoſe who ſhall act contrary to the eſtabliſhed laws, and for greater certainty, it is declared that ſuch rupture ſhall not be deemed to exiſt while negotiations for accommodating differences ſhall be depending, nor until the reſpective Ambaſſadors or Miniſters, if ſuch there ſhall be, ſhall be recalled, or ſent home on account of ſuch differences, and not on account of perſonal miſconduct, according to the nature and degrees of which both parties retain their rights, either to requeſt the recall, or immediately to ſend home the Ambaſſador or Miniſter of the other; and that without prejudice to their mutual friendſhip and good underſtanding.

ART. XXVII. It is further agreed, that his Majeſty and the United States on mutual requiſitions, by them reſpectively, or by their reſpective Miniſters or Officers authorized to make the ſame, will deliver up to juſtice all perſons, who being charged with murder or forgery, committed within the juriſdiction of either, ſhall ſeek an aſylum within any of the countries of the other, provided that this ſhall only be done on ſuch evidence of criminality as, according to the laws of the place, where the fugitive or perſon ſo charged ſhall be found, would juſtify his apprehenſion and commitment for trial, if the offence had there been committed. The expence of ſuch apprehenſion and delivery ſhall be borne and defrayed by thoſe who make the requiſition and receive the fugitive.

ART. XXVIII. It is agreed, that the firſt ten articles

articles of this Treaty ſhall be permanent, and that the ſubſequent articles, except the twelfth, ſhall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this Treaty ſhall be exchanged, but ſubject to this condition—that whereas the ſaid twelfth article will expire by the limitation therein contained, at the end of two years from the ſigning the preliminary or other articles of peace which ſhall terminate the preſent war in which his Majeſty is engaged, it is agreed, that proper meaſures ſhall by concert be taken for bringing the ſubject of that article, into amicable treaty and diſcuſſion, ſo early before the expiration of the ſaid term, as that new arrangements on that head, may by that time be perfected and ready to take place. But if it ſhould unfortunately happen, that his Majeſty and the United States ſhould not be able to agree on ſuch new arrangements, in that caſe all the articles of this treaty, except the firſt ten ſhall then ceaſe and expire together.

Lastly. This Treaty, when the ſame ſhall have been ratified by his Majeſty and by the Preſident of the United States, by and with the advice and conſent of their Senate, and the reſpective ratifications mutually exchanged, ſhall be binding and obligatory on his Majeſty and on the ſaid States, and ſhall be by them reſpectively executed and obſerved with punctuality and the moſt ſincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourſe and obviate difficulties, that other articles be propoſed and added to this Treaty, which articles from want of

time

time and other circumſtances, cannot now be perfected—it is agreed, that the ſaid parties will, from time to time, readily treat of and concerning ſuch articles, and will ſincerely endeavour ſo to form them, as that they may conduce to mutual convenience, and tend to promote mutual ſatisfaction and friendſhip; and that the ſaid articles, after having been duly ratified, ſhall be added to, and make a part of this Treaty. In faith whereof, we, the underſigned Miniſters Plenipotentiary of his Majeſty the King of Great-Britain and the United States of America, have ſigned this preſent Treaty, and have cauſed to be affixed thereto the Seal of our arms.

Done at London, this Nineteenth Day of November, One Thouſand Seven Hundred and Ninety-Four.

GRENVILLE. *(Seal.)*
JOHN JAY. *(Seal.)*

CONDITIONAL RATIFICATION

On the Part of the United States,

In Senate, June 24, 1795.

RESOLVED, that the Senate do conſent to, and adviſe the Preſident of the United States to ratify the Treaty of amity, commerce and navigation, between his Britannic Majeſty and the United States of America, concluded at London the 19*th November* 1794, *on condition that there be added to the ſaid Treaty, an article whereby it ſhall be agreed to ſuſpend the operation of ſo much of the* 12*th article, as reſpects the trade, which his*

ſaid

said Majeſty thereby conſents may be carried on between the United Sates and his Iſlands in the Weſt-Indies, in the manner, and on the terms and conditions therein ſpecified.

And the Senate recommend to the Preſident to proceed without delay to further friendly negotiations with his Majeſty on the ſubject of the ſaid trade, and of the terms and conditions in queſtion.

Philadelphia, Sept. 5, 1793.

SIR,

I am honoured with yours of Auguſt 30. Mine of the 7th of that month aſſured you that meaſures were taken for excluding from all further aſylum in our ports veſſels armed in them to cruiſe on nations with which we are at peace, and for the reſtoration of the prizes the Lovely Laſs, Prince William Henry, and the Jane of Dublin; and that ſhould the meaſures for reſtitution fail in their effect, the Preſident conſidered it as incumbent on the United States to make compenſation for the veſſels.

We are bound by our Treaties with three of the belligerent nations, by all the means in our power to protect and defend their veſſels and effects in our ports, or waters, or on the ſeas near our ſhores, and to recover and reſtore the ſame to the right owners when taken from them. If all the means in our power are uſed, and fail in their effect, we are not bound by our Treaties with thoſe nations to make compenſation.

Though we have no ſimilar Treaty with Great-Britain, it was the opinion of the Preſident, that we ſhould

ſhould uſe towards that nation the ſame rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high ſeas, and brought into our ports; if done by veſſels which had been armed within them.

Having, for particular reaſons, forbore to uſe all the means in our power for the reſtitution of the three veſſels mentioned in my letter of Auguſt 7th, the Preſident thought it incumbent on the United States to make compenſation for them: And tho' nothing was ſaid in that letter of other veſſels taken under like circumſtances and brought in after the 5th of June, and before the date of that letter, yet when the ſame forbearance had taken place, it was and is his opinion, that compenſation would be equally due.

As to prizes made under the ſame circumſtances, and brought in after the date of that letter, the Preſident determined, that all the means in our power ſhould be uſed for their reſtitution. If theſe fail, as we ſhould not be bound by our treaties to make compenſation to the other powers in the analogous caſe, he did not mean to give an opinion that it ought to be done to Great-Britain. But ſtill if any caſes ſhall ariſe ſubſequent to that date, the circumſtances of which ſhall place them on ſimilar ground with thoſe before it, the Preſident would think compenſation equally incumbent on the United States.

Inſtructions are given to the governors of the different ſtates to uſe all the means in their power for reſtoring prizes of this laſt deſcription found within their ports. Though they will of courſe take

take meaſures to be informed of them, and the general government has given them the aid of the cuſtom-houſe officers for this purpoſe, yet you will be ſenſible of the importance of multiplying the channels of their information as far as ſhall depend on yourſelf, or any perſon under your direction, in order that the governors may uſe the means in their power for making reſtitution.

Without knowledge of the capture they cannot reſtore it. It will always be beſt to give the notice to them directly; but any information which you ſhall be pleaſed to ſend to me alſo at any time, ſhall be forwarded to them as quickly as diſtance will permit.

Hence you will perceive Sir, that the Preſident contemplates reſtitution or compenſation in the caſes before the 7th Auguſt; and after that date, reſtitution if it can be effected by any means in our power. And that it will be important that you ſhould ſubſtantiate the fact, that ſuch prizes are in our ports or waters.

Your liſt of the privateers illicitly armed in our ports is, I believe, correct.

With reſpect to loſſes by detention, waſte, ſpoliation ſuſtained by veſſels taken as before-mentioned between the dates of June 5th, and Auguſt 7th, it is propoſed as a proviſional meaſure, that the Collector of the Cuſtoms of the Diſtrict, and the Britiſh Conſul, or any other perſon you pleaſe, ſhall appoint perſons to eſtabliſh the value of the veſſel and cargo, at the time of her capture, and of her arrival in the port into which ſhe is brought, according to their value in that port. If this ſhall be agree-

able

able to you, and you will be pleaſed to ſignify it to me, with the names of the prizes underſtood to be of this deſcription, inſtructions will be given accordingly to the Collector of the Cuſtoms where the reſpective veſſels are.

I have the honour to be, &c.

(Signed) THOMAS JEFFERSON.

Geo. Hammond, Eſq.

WHILST the TREATY was under diſcuſſion in the Senate, the following propoſitions were brought forward and reſpectively offered as ſubſtitutes to the Reſolution of Ratification which ultimately prevailed.

Mr. BURR's MOTION.

THAT the further conſideration of the Treaty concluded at London the 19th of November 1794, be poſtponed, and that it be recommended to the Preſident of the United States to proceed without delay, to further friendly negotiation with his Britanic Majeſty, in order to effect alterations in the ſaid Treaty, in the following particulars:

That the 9th, 10th, and 24th Articles, and ſo much of the 25th as relates to the ſhelter or refuge to be given to the armed veſſels of States or Sovereigns at war with either party, be expunged.

2d ART. That no privilege or right be allowed to the ſettlers or traders mentioned in the 2d Article,

Article, other than those which are secured to them by the Treaty of 1793, and existing laws.

3d ART. That the 3d Article be expunged, or, so modified that the citizens of the United States may have the use of *all* rivers, ports and places within the territories of his Britannic Majesty in North-America, in the same manner as his subjects may have of those of the United States.

6th ART. That the value of the Negroes and other property, carried away contrary to the 7th article of the treaty of 1783, *and the loss and damage sustained by the United States by the detention of the posts*, be paid for by the British government; the amount to be ascertained by the commissioners who may be appointed to liquidate the claims of the British creditors.

12th ART. That what relates to the West-India trade and the provisos and conditions thereof in the 12th article, be expunged, or be rendered much more favourable to the United States and without any restraint on the exportation in vessels of the United States, of any articles, not the growth, produce or manufacture of the said islands of his Britannic Majesty.

15th ART. That no clause be admitted which may restrain the United States from reciprocating benefits by discriminating between foreign nations in their commercial arrangements, or prevent them from encreasing the tonnage, or other duties on British vessels, on terms of reciprocity, or in a stipulated ratio.

21st ART. That the subjects or citizens of either party, be not restrained from accepting commissions in the army or navy of any foreign power.